IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 13217 of 2004

Between:

M/s. Mohanlal Lalit Kumar S.K.P Temple Street, Main

road, Near Etukuru Road Guntur
rep by proprietrix smt. Badani Devi w/o Late Mohanlal

R/o Guntur Guntur District

... PETITIONER

AND

The Assistant PRovident Fund Commissioner &Authority

U/s. 7A of the EFP &MP Act 1982,
Sub-Regional Office, Padmavathi Buildings, Laxmipuram,.

Guntur-522007, Guntur District

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the

action of the respondent in issuing the impugned proceedings rejecting the review petition filed by the petitioner firm vide proceedings
No. AP/SRO/GNT/16710/COMP-I/G-II/2004/448 dated
06-07-2004 without giving opportunity as arbitrary, illegal and unconstitutional and quash the same and consequently direct the respondent to pass appropriate order only after giving the opportunity to the petitioner firm.

Counsel for the Petitioner: MR.RAMA RAO GANTA

Counsel for the Respondents: MR.R.N.REDDY

The Court, at the admission stage, made the following:

O R D E R:

Heard both the counsel.

2. Aggrieved by the order passed by the respondent in proceedings No.AP/SRO/GNT/16710/COMP-I/G-II/2004/448 dated 6.7.2004, the present writ petition is filed.

3. The brief facts necessary for the disposal of the writ petition are that the petitioner is an agency dealing with purchase of chillies in the Agricultural Market Committee, Guntur. For doing correspondence and accounts work, it has engaged three employees. The case of the petitioner is that though the provisions of Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') are not applicable to it, at the instance of the Provident Fund Inspector, it has been paying the contribution to the said three employees. It is stated that the respondent conducted an enquiry under Section 7-A of the Act and issued notice dated 30.4.2004 directing the petitioner to pay an amount of Rs.93,173-20 paise and interest of Rs.32,690/- on the alleged outstanding amount. When the petitioner filed the review under Section 7-B(1) of the Act, the same was rejected by the impugned order.

4. The learned counsel for the petitioner contended that the respondent passed the impugned order rejecting to review his earlier order, without giving any opportunity to the petitioner. The counsel for the respondent also did not dispute the said fact.

5. Both the counsel agreed to dispose of the writ petition with a direction to the respondent to reconsider the review petition filed by the petitioner under Section 7-B(1) of the Act.

6. In view of the above, the impugned order dated 6.7.2004 is hereby set aside and the respondent shall reconsider the review petition filed by the petitioner on 23.6.2004, after giving sufficient opportunity.

7. Till the disposal of the review petition, the order dated 30.4.2004 in letter No.AP/SRO/GNT/16710/COMP-I/G-II/2004/99 shall not be given effect to.

8. With the above direction, the writ petition is disposed of. No costs.

N. V. RAMANA, J

2.12.2004

AVS/NSR

To:

1. The Assistant Provident Fund Commissioner &Authority

U/s. 7A of the EFP &MP Act 1982,
Sub-Regional Office, Padmavathi Buildings, Laxmipuram,

Guntur-522007, Guntur District

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